

CONSIDERATIONS

ON

Mr. *Harrington's*

COMMON-WEALTH

OF

OCEANA:

Restrained to the first part
of the Preliminaries.



LONDON, *Aug 14.*

Printed for *Samuel Gellibrand* at the Golden ball in *Pauls Church-yard*. 1657.



A Letter sent to Dr. *W.*
W. of W. C.

By whom the Author was desired
to give his judgement concern-
ing the Commonwealth
of *OCEANA*.

SIR,

I Am to give you thanks for
the occasion you have given
me of reading the Common-
wealth of Oceana; which Book
I finde to be so much the Dis-
course of good companies, that
not to have seen it would ex-
pose a man to some shame :

But to deale freely with you, I

A 2 have

have cause to complain of your severity in imposing a necessity upon me to give you my thoughts about it; for in a matter of so obscure and intricate speculation as the principles of Government, it will be difficult not to lose the way, especially for one very little acquainted in the Resorts of Learning and Experience. Yet to shew you Sir, that my own convenience is not allowed to be an Exception against any of your commands, with this you shall receive some Papers, and in them an account of such things wherein either Mr. Harringtons want of demonstration, or my own want of capacity

city have not suffered me to receive satisfaction.

Those men Sir, who have the good fortune to have part in your friendship, are not more in love with any of your virtues, then with the generous freedom you maintain in an Age overrun with passion and sournefs: It is not enough with you, for the ruining a man, to be told that he is of such a party or perswasion, but Truth and Merit are never strangers to your good opinion, in what Country soever they have been brought up: This is the Prerogative of your judgment, which being able to pass sentence upon every particu-

A 3 lar,

lar, is not put to take things
in grosse upon the credit of any
faction or company of men.
The knowledge of this fair
temper gives me assurance that
though I had in charge from
you to put down what I could
object to Mr. Harrington's
Oceana, the liberty will not
be unacceptable that I take in
telling you, There are in it
many things deserving praise,
a sprightly expression, and a
sort of Oratory wel becomming
a Gentleman, good remarques
out of ancient and modern Hi-
stories, and a judgement not ill
founded on past & present po-
licie, were it not for a certain
violence in seeking to draw all
things

things into servitude to his
Hypothesis.

Having thus let you know
that I do not mean to fall out
with the whole Book, it is fit
that next I inform you what
part of it I resolve to attacque;
And in that my choice shall be
directed by the imitation of
good Greyhounds who if let
slip at the whole Herd, will,
run at none but the Leading
Deer: The first part of the Pre-
liminaries is that I fasten on,
which is the Groundwork of
the whole Discourse, and con-
sisting in the debate of univer-
sal and rational notions of go-
vernment, asserted by examples
of the Greek and Roman Hi-
story will very properly become

the subject of a Disquisition.
As for the following model of
a Commonwealth, Mr. Harrington hath by transcribing
her Orders very wisely put
himself under the Protection of
the most serene Republic of
Venice, against whom I have
no inclination to make War, at
this time especially when do-
ing so would look like an Affo-
ciation with the Turk; the
common enemy of Christendom.

In making out this Design
I have not been able to find out
any more proper Method then
to follow Mr. Harrington foot
by foot, setting down the Pas-
sages in him to which every
thing refers, though I am sensi-
ble how disadvantageous this
is

is by cutting off all Ellegancy
and freeness of Expression,
which is no more to be expected
from one who ties himself to
such a Method; then an high
Dance from a Man in Fetters:
Besides, whereas to read it
over thoroughly for the under-
standing of it, is more then a
Book can often obtain of the
Reader; This Piece will lie a
great deale more at his mercy,
seeing that to make sense of it,
it will be requisite to read so
much of Mr. Harrington as it
pretends to answer.

But I beseech you Sir, are
not We the writers of Poli-
tiques somewhat a ridiculous
sort of People? Is it not a fine
piece of folly for private men
sitting

sitting in their Cabinets to rack their brains about models of government? Certainly our Labours make a very pleasant Recreation for those great Personages who sitting at the Helm of Affairs have by their large Experience not onely acquired the perfect art of Ruling, but have attained also to the Comprehension of the Nature and Foundation of Government: To them I believe We shall appear just as Wise as the Philosopher who read a Lecture of the Duty of a good Commander before the greatest Captain of his Age.

To be exempted from this Censure will be a very great kindnesse which is in your
Power

Power to doe me by imprisoning these Papers in some close place from whence they can make no Escape; They are I confesse so absolutely made yours that there remains with me no Power over them, but onely to beg of you that your favour to them may not prove want of justice to me.

I am not ignorant Sir with what artifice and importunity Mr. Harrington hath courted opposition from others. And you have told me, that he hath professed himself not capable of any greater kindness or obligation; then to have objections made against what he had published. Upon which account I should think it not unjust

just or unreasonable to expect,
that these Animadversions
should not be any offence or
provocation to him; And yet
I am not without some reason
to suspect the contrary: since I
have seen by his rigor to Dr.
Ferne, that Mr. Harrington
is of a nature that does not
willingly admit of Opposition.
In earnest sir, to speak frankly,
his usage of the Doctor ap-
pears to me very harsh, and
I can make no better of it then
if he should press a Gentleman
so far as to whisper a modest
Challenge into his Ear, and
then with the help of his Foot-
boy make a street-Debate of
that which ought to be decided
in the way of Honour. Yet I
shall

shall be very little liable to
this Danger, both because it is
likely he will think me below
his Revenge, and because not
knowing me he will be at a
loss how to aim his blows in
the Dark.

If then these Papers happen
at any time to be so disposed
of by you that they come to
give Mr. Harrington the trou-
ble of looking on them, I desire
he may only know they were
wrote by a Person who though
he agrees not with his judge-
ment hath a great respect for
his good parts, And that he is
one who neither is nor ever
hopes to be within the reach of
his Agrarian: If you please he
may be assured also that I am
none

none of the University, which
he complains hath been about
his Ears, not having the least
interest in a Gown. But perhaps
this last declaration was need-
less, since it may be hoped that
Mr. Harrington does not yet
think so meanly of the Uni-
versity as to believe so slight
a Piece could proceed from any
Member of it.

However I may mistake in
my Apprehensions of Govern-
ment, I give it you upon my
word Sir, I know very well
what belongs to Obedience, as
you shall receive Testimonie
whenever you please to ho-
nour with any more of your
commands.

The humblest of
Your faithful Servants.

CONFIDERATIONS
Confiderations on the
Commonwealth of
OCEANA.

Page 1.

JANOTTI divideth the whole Series
of Government into two Periods,
The one ending with the liberty of
Rome, was the Course of Ancient
Prudence, followed by the Greeks and
Romans; The other being the Course
of modern Prudence, was introduced
by the Huns, Goths and Vandals, &c.

Jannotti's Division of Govern-
ment, (of which the Author of
Oceana is so well perswaded that
he builds up his Definitions of
Government, and the frame of his
whole Discourse upon it) may
safely

safely be admitted if he means only that the Greeks and Romans were before the Goths and Vandals, or that *Solon* and *Brutus* were dead long before *Theodoricus* or *Genseric* were born; But if his intention be (as Mr. Harrington seems to understand him) that before *Cæsar* in the time of *Antient Prudence* the Greeks and Romans observed a way of Government free from those imputations of passion and violence with which the government of succeeding ages (and that generally proves to be Monarchical) is chargeable, it will be necessary to propose some Considerations.

1. It seems to be a defect of Experience to think that the Greek and Roman actions are only considerable in Antiquity; It is very frequent with such as have been conversant with Greek and Roman Authors to be led by them
into

into a belief that the rest of the World were a rude inconsiderable people, &c. which is a term they very much delight in, altogether barbarous. This humour was even among them a mean & servile addiction to narrow Principles, and a piece of very Pedanticall pride; but in us who have not the same temptation of interest, it would be downright folly. In this question the Examples of the *Babylonians*, *Persians*, and *Egyptians* (not to insist upon the new discoveries of the *Chinese* History) cannot without gross partiality be neglected; and their government will not onely be found to have been Monarchical, but also in a more absolute and arbitrary form (if I mistake not very much) then is to be met with at present in any kingdom of *Europe*.

2. But then, they who have not yet passed their Novitiat in Hi-
B story

(4)

Lib. 1

story are not ignorant that originally all Government among the Greeks was Regal; At the War of *Troy* we find them commanded by their Kings & Princes, & *Thucydides* says expressly that it was not till after the taking of *Troy*, which filled Greece with arrogance and riches, that hereditary Monarchies degenerated into tyrannies. And then it was that the Grecians out of an extreme aversion to that which was the cause of their present sufferings, slipped into Popular Government; not that upon calm and mature Debates they found it best, but that they might put themselves at the greatest distance (which spirit usually accompanies all Reformations) from that with which they were grown into dislike. Yet *Macedon* an important part of Greece, and that which lifted the Grecian name to the highest pitch of glory, never suffered

(5)

suffered this change, but continued under a successive Royalty.

3. The foundation of the Roman state was in Kingship; and if it be considered how accidental, tumultuary, and violent the change was, there will be very little from thence to be inferred to the credit of the succeeding government.

After these Considerations I must profess I am not convinced of any utility in this Division of ancient and modern prudence, or that a Court of Claims would allow of the pretensions to ancient prudence, which are laid by that kind of government which *Oceana* endeavours to assert.

Pag. 2. Relation being had unto these two times, Government (to define it according to ancient Prudence) is an Art instituting and preserving a Civil society of men upon the foundation of common Right or Interest; or it is

B 2 the

the Empire of Laws and not of men.

And Government (according unto Modern Prudence) is an Art whereby some man or few men subjeſt a City or a Nation, and rule it according to his or their private Intereſt, which may be ſaid to be the Empire of men and not of Laws.

If then this Diviſion of government have loſt it's credit, the Definitions of the ſeveral Members of it need not be conſidered further then that they come not at all up to the firſt and remoteſt Notions of government, in the foundation and origination of it, about which is all the difficulty; and being here neglected, there is little reaſon to hope the ſubſequent Diſcourſe can have in it the Light of probable ſatisfaction, much leſs the force of infallible Demonſtration.

Ibid. The former kind is that which Machiavell hath gone about to retrieve,

trive, and Leviathan goes about to deſtroy, &c.

I do not think my ſelf bound to undertake all Challenges that are ſent to Mr. *Hobbs*: but the eaſineſſe of the Defence in this Particular that Men Govern and not Laws, tempts me to be his ſecond. To ſay that Laws doe or can Govern, is to amuſe our ſelves with a form of ſpeech, as when we ſay Time or Age or Death does ſuch a thing; To which indeed the Fanſie of Poets or Superſtition of Women may adapt a Perſon, and give a Power of Action; but Wiſe men know they are only expreſſions of ſuch Accidents and Qualifications as belong to things and Perſons. He that requires Obedience from another, cannot rationally do ſo unleſſe he declare what thoſe things are, both to be done and not to be done, in which this obedience is to be paid; This

B 3 Decla-

Declaration of the Will of the sovereign Power is called Law, which if it outlives the person whose Will it was, it is only because the persons who succeed in power are presumed to have the same Will, unless they manifest the contrary, and that is the abrogation of a Law: So that still the Government is not in the Law, but in the person whose Will gives a being to that law. This declared Will of those who have power is of the Essence of law; the punishment express, I conceive is not so; For it is enough for me to obey the Will of a person, that I know hath power to hurt me, though I do not know particularly what the hurt is he will doe me; and therefore as some laws are, so all might have been with leaving the punishment at the discretion of the Magistrate.

In the similitude, the great Gun
is

is not well traversed to this point. If the Proportion of things be accurately considered, it will appear that the laden Canon answers not to the laws but to the power of the person whose Will creates those laws, without which power he might be as as safely disobeyed, as that Gunner may be condemn'd who hath neither powder nor Bullet in his Piece.

The whole force of the next Objection against Mr. *Hobs* amounts but to this; That because *Hervey* in his Circulation hath followed the principles of nature; therefore *Aristotle* and *Cicero* have done so in their Discourses of Government.

Page 3. *Government according to the Ancients is of three kinds; the government of one man, or of the better sort, or of the whole People: which by their more learned Names are called Monarchy, Aristocracy,*

and Democracy. *Legislators having found these three Governments at best to be naught, have invented another consisting of a mixture of them all which only is good.*

The partition of Government, with reference to the persons in whose hands it is, into Monarchy, Aristocracy, and Democracy, without Question is very natural; for necessarily either One or All, or some number between both must have the power; nor do I see how we can have a Conception of any other Government, unless at the same time we can conceive the power may be resident in more then All, or less then One. It is not to be denied but that in History the names of Monarchy, Aristocracy, and Democracy are to be found applied to such governments, the parts of which severally taken may serve to compound a new individual Government

ment differing from all of them; But this Mixture and Difference is no more then this (which not being enough attended to, hath been the cause of great Mistakes) that some points of the Government are administered by one or few persons, or by the body of the people; as perhaps one single person governs the Militia, some select few dispatch affairs of State, the whole people meet for Election of Officers; And yet the Sovereignty or supreme power belongs but to one of these three; and the Actions in which it is truly seated are no waies communicable to the other two.

Page 3. *The Principles of Government are twofold; the goods of the Mind, and the goods of Fortune. The goods of the mind are natural or acquired virtues, as Wisdom, Courage, &c. The goods of Fortune are Riches. To the goods of Mind, answers Authority;*

riches, to the goods of Fortune, Power or Empire.

In considering the Principles of Government, Mr. Harrington gives us cause to complain of a great Disappointment; We hoped to receive from his hand that satisfaction about them, which several great Wits have in vain studied to derive to us; but we find him instead of the first principles thrusting upon us such things as are at best but fair endowments of persons fit to be intrusted with a Government already settled or resolved on. The Wisdom, Courage, or Riches of another man can never give him a Title to my obedience, nor take from me that liberty with which I was born: There must be something before all these in the Nature of Government, without which it will be as unjust to define Sovereignty and subjection, as it would be

he to oblige Mr. Harrington to give his cloaths or money to the next man he meets wiser or richer than himself.

Page 4. *Empire is of two kinds; Domestick and National; or Foreign and Provincial. Domestick Empire is founded on Dominion.*

Dominion is Propriety Real or Personal, that is to say, in Lands, or in money and goods.

Lands are held by the Proprietors in some Proportion; and such as is the Proportion or Ballance of Dominion or Property in Land, such is the nature of the Empire.

Page 5. *Unto Propriety producing Empire it is required that it should have some certain root or foothold, which except in Land, it cannot have, being otherwise as it were upon the Wing.*

Nevertheless in such Cities as subsist most by Trade and have little or no land, as Holland and Genoa, the Ballance

Ballance of treasure may be equal to that of Land.

There is a great Contention between *Leviathan* and *Oceana* (whose names might seem to promise a better Agreement) whether power or propriety be the Foundation of Dominion; but they seem to me to mean the same things; For what is propriety but Riches? and Riches are (Pag. 2.) confest to be power: The Difference then is only in Words; and propriety the Ballance; the *Agrarian*, &c. make up onely a new Lexicon to expreis those things we knew before.

But the Assertion will appear too positive that propriety producing Empire consists only in land, except in such places as *Holland* and *Genoa* which have little or no land: Experience instructs us that it is not a large possession in lands, but an Estate in ready money which

which is proper for carrying on a great and sudden Enterprife. And we know of what importance *Banks* or *Monti* are, even in other places besides *Amsterdam* and *Genoa*. I will propose a Case, which was once so neer being a true one, that I presume it cannot be rejected as improbable. *England* is defined to have been under the Gothick Ballance, that is, having the propriety in the hands of a Nobility and Clergy, and consequently to have been a mixt Monarchy, where the King was not absolute: To a King of *England*, *Hen. 7.* was the first proposition of discovering *America* made by *Columbus*, which if it had been embraced, the Silver of *Potosi* had sailed up the *Thames* instead of the *Guadalquivir*, and by this the Kings Revenue would annually have been encreased above a *Million*, the rest comming into the hands of private Merchants

chants and Adventurers, and not of the principall Nobility. In this case I ask whether this Accession of Revenue would not have preponderated on the Kings part, and changed the Ballance, though the Lands at home had still been posselt by the Nobility in the same Proportion as before. It is not to be doubted but that a Revenue sufficient to maintain a Force able to bear down all Opposition, does equally conduce to Empire, whether it arises from the Rents of lands, the Profits of ready moneys, the Duties payable upon Manufactures and Traffique, or any other kind of Income.

That Empire is well divided into National and Provincial, shall be admitted without Opposition, if I may be satisfied in this demand, whether there may not be a mixture of these two, by which the Ballance of Government shall receive

receive Alteration: which in effect differs little from this, That the severall parts of a Nationall Empire may so poise one another as to produce a new Ballance. For example, The Crowns of *Castile* and *Aragon* were of a differing Ballance, the power of the King being more absolute in the former, and the interest of the Communalty greater in the latter; The union of these two Crowns did not render the Government of *Aragon* purely forraign or provincial; And yet the Ballance in *Aragon* hath been so far changed by it, that the power of the King hath devoured the Interest of the people. This is no nice and unprofitable speculation; for it is the case of almost all the present Sovereignties in *Europe*, hardly any one of which is all of one piece, but is composed of distinct Provinces differing in Genius, Laws,

Laws, Customes and Ballance, which have come to be united at distant times, and by as various Titles.

Pag. 10. Saith Solomon, there is an evil which I have seen under the Sun which proceedeth from the Ruler; and Eccles. 10. 15. Sad complaints, that the Principle of Power, and of Authority do not twine in the wreath of Empire. Wherefore, &c.

I know not how it comes about, but Mr. Harrington hath taken up a very great unkindnesse for the Clergy, which (though it be most discovered towards the end of the book, and in another little Discourse of a later Date) here begins to manifest it self: For he invades one part of their Office without asking their leave; He falls a preaching, and taking that of Solomon for his Text, *I have seen servants upon horses, &c.* he proceeds to make us a very goodly Sermon.

Pag.

Pag. 10. & 11. The soul of man is Mistresse of two potent Rivals, the one Reason, the other Passion, &c.

From thence he slips into some Metaphysical considerations of the soul of Man, and its operations, which being translated to Government must evince the Truth of this Assertion, That a Commonwealth is an Empire of Laws and not of men. If I could be perswaded he were so far in earnest as to expect any Man should be convinced by the Metaphorical use of two or three Words, some further considerations might be proposed; In the mean while it is enough to desire, that seeing the whole force of the Argument rests upon the similitude of Government with the soul of Man, we may be instructed what the soul is, and what the whole Philosophy belonging to it: And then and not before, will

C

it

it be time to consider how far the similitude between that and Government will hold true.

Page 12. *There is a Reason which is the Interest of Mankind, or of the whole. Now if we see even in those Natural Agents, &c.* Hooker B. 1.

The Argumentation about the Reason or Interest of Mankind is little less infirm: For the Question being, Whether there be any such primary Interest of Mankind differing from that of every particular Man, He takes it for granted there is such a common right or Interest, more excellent then that of the parts, without proffering any other proof then the Testimonies of *Hooker* and *Grotius*; Whole Opinions cannot oblige us beyond the Reasons on which they are founded. Mr. *Hooker's* Expressions are altogether figurative, and it is easier to prove from them that Things wanting sense make

make Discourses and act by Election, then that there is such a thing as a common Interest of Mankind. For *Grotius* his words, They carry a great Restriction with them, and the way of producing Action in Beasts is so different from the Emanation of humane Reason, that the Inference from one to the other must needs be very weak.

Page 12 and 13. *But it may be said the Difficulty remains yet; for be the Interest of Popular government right Reason, a man doth not look upon Reason as it is right or wrong in it self, &c.*

And therefore it was a very judicious part to foresee that the Difficulty would still remain, and no less ingeniously done to confess That a man doth not look upon reason as it is right in it self, but as it makes for him or against him; That is, that the common Interest stoops

to every mans peculiar one. But we are promised a solution so facile, that it is obvious to such as have the Green sicknesse. Let two Girles, saies he, have a Cake given between them, that each may have what is due : Divide saiesthe one that I may choose, or I will divide and you shall choose ; And this is the whole mystery of a Commonwealth. An Oven it seems is the best Embleme of the World, and a Bakehouse the only School of Policy. Let us obey Mr. Harrington when he send us *in Pistrinam*, and consider a while this mystery. The Cake was given that each might have what was due ; so the Laws of this society proceeded not from any Natural Right, or from the consent of the Girles, but were limited by the Person who gave the Cake with this intent that it might be equally divided between them. Again, these Girles live
under

under the Discipline of the Rod, that is, under a Government already established, and she that had been wronged in the Division might upon appeal to the School Mistress or the Person who gave them the Cake, have obtained an equal share. But now suppose the two girles had met by chance, and found the Cake in their way, and suppose them out of the influence of all such persons whose power might constrain them to an equal Division, must we still believe they would have strained courtesie, and not rather think the stronger of the two Girles would have eaten up the whole Cake if she found her stomach serve her for it ? This is no great mystery, but will be found to be the true Case of a Commonwealth: For either Government is founded upon Paternity and the Natural Advantage the first Father had over

all the rest of Mankind who were his sons, and then there will be no such thing as dividing and choosing, but being content with what portion he allows; Or else Government flows from the encrease of strength and power in some Man or Men to whose Will the rest submit, that by their submission they may avoid such mischief as otherwise would be brought upon them; And then here also there is no room for dividing and choosing, but acquiescing in the Will of him whose power cannot be resisted. There may perhaps be degrees of this power as it more or less exceeds the strength and force of those who are to obey, the proportion of which degrees being duly observed will I conceive teach us the true Nature of those things which are commonly reputed to be Conditions imposed upon

upon the supream power. If the power of the Government exceed in any great proportion the power of those that are under his Government, so that he stands not in need of any thing he can have from them, The Government becomes absolute and unlimited; But if he exceeds them in a less proportion and be in continual want of something that they may allow him, he must buy it by some concessions or other as cheap as he can; But this amounts not to a mixture of the Government; for without an excess in Power there can be no Government. Thus a General of an Army sitting down before two Towns, the one very weak, the other of good strength, will have the first at discretion, to the second he allows good and honourable Conditions, out of a desire to save his time or Men, or to preserve the place from

being defaced, and the Ammunition imbezeled: Or to take Mr. Harrington's own example, The stronger Girle gives the other a piece of Cake. to fetch her some water to drinke after it. Since Mr. Harrington hath brought these Actors upon the Stage, he will not I hope take it ill if one of the Girles give him an Answer; and tell him in her proper style, *That his Cake is dough.*

Page 13. *A Commonwealth is but a Civil Society of men: Let us take twenty men, and forthwith make a Commonwealth; six of these will be wiser then the other fourteen, and by the eminency of their Parts acquire an influence, that is, Authoritas Patrum. Wherefore this can be no other then a Natural Aristocracy diffused by God throughout the whole body of Mankind.*

In the next example of the twenty men, the Paralogism lies in

in this. *Let us take twenty men, saies he, and forthwith make a Commonwealth;* He first supposes them a Commonwealth, and then considers how they would dispose of the Government; But it is to be denied that they could ever have been a Commonwealth, unless in one of the cases last exprest, in which the Government would not have been free for them to dispose of. The fence of want among Men that are in equality of power, may beget a desire of Exchange; as let me have your Horse and you shall have my Cow, which is the Fountain of private Contracts; but it is not to be with reason imagined that this should be enough to make a Man part with a natural Freedom, and put himself into the hands of a Power from which he can afterward have no shield though it should be used to his own Destruction. But

But Mr. *Harrington* hath not in this lost his way without company; for I have observed very frequently that while men profess to consider of the Principles of Government, they fall upon Notions which are the meer Effects of Government, not unlike the complaint of *Grotius*, that they who treat of *Jus Gentium* do commonly mistake some part of the Roman *Jus Civile* for it.

To consider this instance of the twenty men a little further. What security can Mr. *Harrington* give us, that the six in their consultations shall not aim rather at their own advantage than that of the fourteen, and so make use of the eminence of their parts to circumvent the rest? Or on the other side how shall we be satisfied that the fourteen will not soon begin to think themselves wise enough to consult too, and making use of their

their excess in power pull the six off their Cushions, where they must needs appear to sit at better Ease than the fourteen were in while they stood at the Door waiting for the Result of their Debates.

I am willing to gratifie Mr. *Harrington* with his Partition of them into six and fourteen; but if I had been in an humour of contradiction, it had been as free for me to have said that some one of the twenty would have excelled all the rest in Judgement, Experience, Courage and height of *Genius*, and then told him that had been a Naturall Monarchy establish't by God himselfe over Mankind.

Page. 14. *The Decrees of the Senate are never Laws, nor so called, but Senatusconsulta.*

In exchange of this fair dealing, I expect Mr. *Harrington* should inform

inform me what it is he means when he saies the Decrees of the Senate are never Laws, nor so called, but *Senatusconsulta*; The word *Senatusconsultum* is a Latine name, and belongs not properly to the Decrees of any Senate but that of the *Romans*; so I must at present necessarily understand him, That the Roman *Senatusconsulta* never were Laws. It is true they were not called *Leges*, no more were the *Plebiscita*, the *Edicta Praetorum*, and other parts of the Roman *Jus Civile*; but they had the power of Laws, and equally with them required the obedience of the whole Roman people. *Cœpit Senatus se interponere, & quicquid constituisset, observabatur; Idq; jus appellabatur Senatusconsultum.* Thus the *Senatusconsultum Masedonianum*, with many more came to have a place allowed them by *Justinian* in the complement of the

D. de origi-
ne juris.
P. necessa-
rium de-
inde quia

the Roman Laws. Nor can it be pretended that the *Senatusconsulta* were (like the orders of one single house of Parliament) binding only to their own members; for though it were so at first with the *Plebiscita*, to avoid the discord which was by it occasioned, It was soon agreed that the distinct Decrees of the Senate and People should be extended to the Nature of Laws, and oblige the whole body of the Commonwealth, as is proved by *Cicero*.

Cicero.
com. ad. s.

To lay down what hath been said upon a smaller Scale: It hath been shown, That Ancient Prudence differs not from Modern, and serves not at all to enforce *Oceana's* project of Government; That Commonwealths are no more then Monarchys the Empire of Laws and not of Men; That there is no such thing as a mixt Government, but that the supreme

supreme Power and the Actions in which it truly and properly resides must belong to one or all or some Number between both ; That *Oceana* falls short in considering the principles of government, and takes for Principles things that are a great deal on this side of them ; That to say propriety is the foundation of Empire is all one to say that power is ; That this propriety may as well consist in ready Money, or any other forraign Revenue as in Possession of Lands ; That there is a Ballance producible by distinct Government united into one person, which Mr. *Harrington* did not consider ; That the common Right or Interest of Mankind, differing from that of every particular Man, is not firmly made out to us ; That the notion of dividing and choosing cannot subsist ; And that the Instances alledged for it
are

are mistaken ; That the consent of the people is an improbable and weak Hypothesis of the Original of Government, which is better deduced either from Paternity or Force ; And finally that there can be no Government without excess of power.

After this I hope it will appear no ill-grounded confidence in me to say, that there is very little, if any thing, of consequence in the first and General part of the Preliminaries left unanswered : And the principal Stones being thus taken from the Foundation, a little Wind will be enough to reverse the superstructure.

Page 15. Now whether I have rightly transcribed these Principles of a Commonwealth out of Nature, I shall appeal unto God, and to the World. Unto God in the Fabrick of a Commonwealth of Israel: And unto the World in the Universal series of Ancient Prudence. I am

I am now come to Mr. *Harrington's* Appeal to past Ages for justifying these Principles of a Commonwealth; which Appeal is made to God in the *Fabrick of the Commonwealth of Israel*, and unto the World in the *Universal Series of Ancient Prudence*. Of the Commonwealth of *Israel*, anon; For the World I must remind Mr. *Harrington* of my just complaint put in against him for partiality in omitting the Examples of the *Affyrians, Persians, and Egyptians*, and all other old Monarchical Governments, which certainly are included in the *Universal Series of Ancient Prudence*. But perhaps I am too blame to think Mr. *Harrington* should have lesse Discretion then a common Attorney, who will be sure to examine only those Witnesses that seem to make for the cause in which he is entertained.

One

One particular in this appears more then strange to me; It is, that having said the Heathens have all written their Commonwealths, as if they had no other Copy but that of *Israel* in the holy Scriptures, (Page 18) in the Enumeration he brings in *Switz* and *Holland*. Which is it? Are these two within the series of Ancient Prudence, or must they be reckoned among the Heathen Commonwealths?

I applied my self so late to the reading and considering of *Oceana*, that before I could reach so far as to examine what is asserted concerning the Commonwealth of *Israel*, I was made a Spectatour of the Paper-combat between the Author and Dr. *Ferne*, the publication of which proclaims the Author's conceit of the Victory. He indeed deserves the reputation of making rude charges, and in

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these

these Disputes the last Reply gains the Opinion of the same Advantage, as in Battels it does to stay last upon the Field. If the Doctor's Leisure and Inclination serves him, we may see the Fight renewed; However there is so much reason to expect that some of the Clergy (against all of whom the Author hath declared War) will undertake the Quarrel, that I think it cannot justly be counted any subterfuge in me to wave this part of the Dispute, and leave it in the hands of those men whose Interest and Obligation gives them a propriety in it.

Not to examine then whether it be a true or false Picture which Mr. Harrington hath drawn of the République of *Israel*, I will only consider how far we are now bound to work after that Original, and whether there may not be Proportion, Force and Beauty in the

the Face of Government, though it differs from the Air of that of *Israel*: And this the rather, because the Commonwealth of *Israel* seems proposed with more Authority then belongs to a bare Example, and the Christian World accused of blindness or negligence (Page 18) for not transcribing from it.

It must not be denied but that whatsoever shall appear to have been an establishment of God in the Jewish République, is to be allowed consonant to the Laws of Nature, Justice and Wisdom; seeing a Legislator supremely Good, Just and Wise, cannot be supposed to have made Laws which do not bear the impression and character of that hand from which they proceed. Yet if we should admit of Mr. Harrington's Position that the people of *Israel* had the power of confirming all

Grocius
de jure
bel. &
pac. lib. 1.

their Laws, so that without their consent they had not (Page 16 and 17) been Laws, We must abate much of the precedent Proposition; for it is a great deal less to be the Adviser or Perswader of a thing then to be the Author and Commander of it. He instances in this power of the people in that Act where they make God King, *Exodus 19.* So that in his Opinion the Laws given in that and the next Chapters (for they are but a continuation of the same Action) take their validity from the consent of the people, who had a liberty of dissenting by which they might have exempted from those Laws. These Laws are the Ten Commandments, and if the people of *Israel* need not have been subjected to them without their own consents, there is no reason but we should enjoy the same privilege. In this Mr. Harrington

proves

proves an huge benefactor to Mankind; for he hath with no greater expence then the withholding their consents asserted them into the mighty Liberty of being free from the whole Morall Law. But I ask pardon for this Digression, and come to another consideration of the influence of the Jewish constitutions upon our practise.

It is now lawful in making of Laws and modelling a Commonwealth to tread in the steps of *Moses* unless in such things as either by their own Nature terminated with the Revelation of the Gospel, or have been altered by some general or special constitutions of Christ.

Beyond these considerations I am not aware of any prerogative of Authority belonging to the *Israelitish* more then any other Republique: For a Law can ob-

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lige onely those to whom it is given, which were the children of *Israel* only; And as no other Nation was at that time (according to the opinion of the soberer of the Jews themselves) bound to observe the Jewish Laws or form of Government; so it would be much more unreasonable at this distance of time and place, to impose upon us any Obligation of following either their Government or their Laws. In considering of Laws and frames of Government it is not enough to look at the Dignity of the Legislator, but regard must be had also to circumstances of times, places, and persons, with which the Lawgiver is often so fettered that he cannot take those Resolutions which in themselves are best. Now there were many conditions and qualifications of the people of *Israel* vastly differing from the present Age,

Age, some of which I shall have occasion to touch when I speak of the *Agrarian*.

Here I will not conceal the pleasure I have taken in observing that though Mr. *Harrington* professes a great Enmity to Mr. *Hobs* his politiques, underhand notwithstanding he holds a correspondence with him, and does silently swallow down such Notions as Mr. *Hobs* hath chewed for him: Of this sort is the Fancy of the compact between God and the children of *Israel*, by vertue of which he received the Civil Power, and was enabled to enact Laws for them; His conceits taken from the Notation of the Words *νεμερονια* and *εκαταετα* are also of the same breed.

Pag. 20. Let me invite *Leviathan* who of all other Governments giveth the advantage unto Monarchy for Perfection, to a better disquisition

of it by these three Assertions.

The invitation sent to Mr. *Hobs* is not I presume so personally intended to him, but that it may indifferently concern any Man who concurs with him in giving the Advantage for perfection unto *Monarchy* of all other Governments: In that Proposition I acknowledge my self a *Zelote*, and have *Temerity* enough to expose my body to the receiving those *Blows* which were aimed at another's Head.

Ibid. The first, (which requires no proof) That the Perfection of Government lyeth upon such a Libration in the frame of it, that no man nor men, in or under it, can have the Interest; or having the interest can have the Power to disturbe it with Sedition.

Though Mr. *Harrington* thinks the first Assertion requires no proof, it may admit of some Explanation.

planation. To give such a Government as no Man nor Men in or under it, can have the Interest to disturb with Sedition, is altogether impossible; For that were to suppose there should not be in an whole countrey one Ambitious Boor man who might hope for Advantage, nor one Vicious Rich man who might expect security from the perturbation of the Government: The whole matter then must be reduced to the want of power to doe it. And that will appear to be in no other Libration but this, That the Power of which the Governour is possessed does so vastly exceed the power remaining with those who are to obey, that in case of a contest it must be desperately unreasonable for them to hope to maintain their Cause and Patty. The true Method then of attaining to perfection in Government, is to make the Governour

Governour absolute; for if there be any who can Dispute upon probable Terms the power with him, the State can never be free from Tumult and Sedition.

Ibid. The second, That Monarchy reaching the Perfection of the kind, reacheth not unto the Perfection of Government, but must have some dangerous flaw in it. For proof of this

Monarchy is either by Arms or by a Nobility: A Monarchy by Arms, as that of the Turk, hath this incurable Flaw, That the Janizaries have frequent Interest and perpetual Power to raise sedition, and tear the Prince himself in Pieces. In a Monarchy by a Nobility, (as of late in Oceana) the flaw is this, that the Nobility had frequent Interest and Perpetual power by their Retainers and Tenants to raise sedition, and to levy a lasting War. Wherefore neither of these is a perfect Government.

But

But this is not attainable in a Monarchy, saies Mr. Harrington's second Assertion; For a King being but a single Person, that kind of Government hath this Flaw in it, that the Instruments of Ruling whether they be an Army or a Nobility, have both interest and power to disturb the government; for the proof of which the Examples of *Turky* and *Oceana* are proposed.

In a Monarchy by Arms it is indeed very apparent that the Mutinies of the *Soldatesca* are always dangerous, and often Fatall; But then they happen solely among the Militia of the Court; for the Troops dispersed through the Provinces (upon whom the security of the Government depends) can seldome, perhaps never, be shown to have caused such Disorders; And yet such a Militia at Court seems necessary for the preservation

servation of the Prince's person, and the Reputation of the Government: But it will not be hard to find a Temperament, by which all may be secured, which I think will lie in this, That the Guards of the King's person be not encreased beyond necessity of security, that they be not suffered to stagnate at Court, but be by a perpetual circulation drawn out upon service, and chiefly that they consist not of one intire Body united under the same Head, but be divided into distinct Parties and Commands: As we may see in *France*, where though (in proportion to the extent of their Dominions) the Kings Guards be more numerous then those of the *Roman* or *Turkish* Emperours; yet being divided into the distinct Bodies of *French*, *Scotch* and *Switz* Guards, under their several Colonels and Captains, they have never been

been the Authors of any the least Sedition. And in *Turky* of late years they begin to learn the Art of poisoning the *Janizaries* by the *Spahis*, and so have frequently evaded the danger of their Mutinies.

In like manner in Monarchy by a Nobility, there never arises any Danger to the Crown, but when either a great part of the Sovereign power is put into the hands of the Nobility as in *Germany* and *Poland*, or when some Person or Family is suffered to overtop the rest in Riches, Commands, and Dependance, as Princes of the blood and *Lorraine* not long since in *France*, and of old the *Montforts* and the *Neuils* in *England*. The first is a vicious constitution of the Government, and a Monarchy only in name; the second easily admits of this cure, That these Great Ones be reduced to a lesse
volumn,

volumn, and leuell'd into an equality with the rest of their Order.

But I see no Necessity of admitting the Division of Monarchies which Mr. *Harrington* hath made, when the most Natural and Excellent form of Monarchical Government arises from the Mixture of them both. The Prince, who governs meerly by an Army, not only is exposed to the danger of their Mutinies, but is also forced to run this hazard, That upon any potent Invasion, the loss of a Battel or two draws inevitably along with it the losse of his Crown: On the other side he that rests wholly upon a Nobility, leaves himself in a manner at their Discretion, and is with no great difficulty Dispossest of the Throne. Let me then have leave to assert that the perfection of Monarchy is free from those flaws which are charged upon it, and that it consists

sists in Governing by a Nobility weighty enough to keep the people under; yet not tall enough, in any particular person, to measure with the Prince; And by a moderate Army kept up under the Notion of Guards and Garrisons, which may be sufficient to strangle all Seditions in the Cradle.

In this place it will be no great impertinence to desire to know of Mr. *Harrington* his Opinion of the Way of Governing by Councils, which I confesse I have alwaies thought admirable; I do not mean such as are coordinate with the Prince, (which have been seen in the World) but such as those of *Spain*, purely of Advice and Dispatch, with power only to inform and perswade, not limit the Princes Will: For almost all the weakneses which have been thought incident to Monarchy, are

are by this course prevented, and if there be any steadiness and maturity in the Senate of a Commonwealth, this takes it all in. If the Delays of the *Spanish* Councils be objected, the answer is obvious, that they proceed more from the grave retired temper of the *Spanish* Nation, then from the Nature of these Councils; And this objection is much more forcible against all Popular Governments.

Page 20. and 21. *The third, that Popular Government reaching the Perfection of the kind, reacheth the Perfection of Government, and hath no flaw in it, for which kind of Constitution I have something more to say than Leviathan hath said, or ever will be able to say for Monarchy;*
As

1. *That it is the Government was never conquered by any Monarch, from the beginning of the World unto this day; for if the Common-*
wealths

wealths of Greece came under the yoke of the Kings of Macedon, they were first broken by themselves.

The third Assertion remains, which shall receive a Discussion through all the five Branches of it.

1. The first of which seems intended for a tryal of our Nose, whether they will serve us to discover the Fallacy of an Inference from the prosperous success of Arms, to the Perfection of Government: As if on the one side great and well-policed Empires had not been subverted by people so eloiigned from the perfection of government, that we scarce know of any thing to tie them together but the desire of Bury; And on the other side we had not the Examples of the little Republics of *Ragusa* and *San Marino*, which are commended for their upright and equal frame of Government, and yet have hardly extended
E their

their Dominions beyond the size of an handsome Mannour. It is not the perfection of the Government, but the populousity of a Nation, the natural Valour of the Inhabitants, the Abundance of Horses, Arms, and other things necessary for the equipping of an Army, assisted with a good Military Discipline, that Quality a people for Conquest; And where these concur, Victory is intailed upon them, whether it be of one Monarch over another, or of a Commonwealth over a people of the same form of Government. Nay, I will add of a Monarch over a Commonwealth, though Mr. Harrington hath pawn'd his Credit that this was never known *from the beginning of the World unto this day*. He foresaw the instance that might be made of the Kings of Macedonia and Commonwealths of Greece, and therefore would have

have us believe that had not happened if they had not been first broken by themselves; At this rate of arguing Mr. Harrington shall have much ado to produce any one Feat of Arms of a Commonwealth, which will not be easily stript of it's Glory by attributing the successe to some Miscarriage or Disorder of the Enemy. And it is worth observing, that to evade the Force of this Instance, He admits of something in the Commonwealths of Greece that will evince them to have been of a turbulent murinous Temper, & ignorant of their true Interest. But to help a bad Memory, let me ask Mr. Harrington what he thinks of the little Grecian Republicques planted round the coasts of Asia Minor, and of the servitude into which they were brought first by the Lydian, *Passim.* and then by the Persian Monarchs, *messen.* the asserting whose Liberties was

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the most plausible pretences the other *Greeks* had for the *Persian* War? What account likewise is to be given of the *Sicilian* Commonwealths, which (before that the Island came under the Power of the *Carthaginians* and *Romans*) were reduced under the yoke of one Monarch? And, not to wander in the obscure Paths of Antiquity, let me beg his judgement of the Commonwealth of *Genoa*, which fell under the Dominion of the Dukes of *Milan*, and afterward (upon pretence of their Title) of the Kings of *France*. If it be told me that this Commonwealth subsists to this day, I shall only need to reply that *Andrew Doria* did rather erect a new than restore an old Republique, (as will appear by the alterations he made in the Laws and Form of the old Government) and that it is altogether as rational to fortify the

the claim of the present States of *Holland* from the freedom enjoyed by the Ancient *Batavians*, as to pretend that the present Commonwealth of *Genoa* is the same with what it was before it paid obedience to the Dukes of *Milan*. I will afflict Mr. *Harrington* but with one particular more, and that is of the *Florentine* Republique, which having chased away all of the Family of *Medici*, and restored it self to a plenary Liberty, was by the Arms of *Charles Guicciard*, the 5th. under the Command first lib. 20. of the Prince of *Orange*, and then of *Don Ferrando Gonzaga*, forced to submit to that Monarchical Government which it now acknowledges.

Page 21. 2. That it is the Government that hath frequently led mighty Monarchs in Triumph.

2. In the second Mr. *Harrington* runs upon the Foile, it being

only the conversion of the First.

Ibid. 3. *That it is the Government which if it have been seditions, is both not been, nor any imperfection in the kind, but in the particular Constitution, which where ever the like hath happened, in it have been unequal.*

3. The third Branch is, *me thinks, a very pleasant One, and not unlike the Procedure of the judiciary Astrologers; Who grounding their Art upon wild and Arbitrary, but as they pretend, infallible Notions, are fain to appeal to the successe of some few lucky Predictions; And when these are confronted with the foul and ridiculous Mistakes of the greatest Masters of their Art, They presently shelter themselves under this answer, That the Error is not in the rules of Art but in the Man, who therefore is convinced to have mistaken in his calculation,*

tion, because his Predictions have not been justified by the Event. So if we complain of the seditions which have infested almost all Commonwealths that ever were, Mr. Harrington tells us, It hath not been from any imperfection in the kind, but in the particular Constitution; which where ever the like hath happened must have been unequal. For my part I despair of cutting off the Retreat, and think him to be dealt with only by those who know how to drive the Triff from a Bog.

Ibid. 4. *That it is the Government which if it have been anything near equal was never seditions; or let him shew me what sedition hath happened in Lacedæmon or Venice.*

4. We shall have somewhat firmer footing in the Next, in which the Commonwealths of Lacedæmon and Venice are brought upon the Carpet for such as by the

equality of their Government have been redeemed from all Seditions. Of *Lacedæmon* first.

If *Lacedæmon* hath enjoyed a more then ordinary exemption from Domestick Troubles, it is upon the same Account that he that works his Horse hard and gives him no Provender is secure of being run away with: The design of *Lycurgus* in framing their Laws seems only to have lookt at making them good Souldiers, and accordingly they were seldome free from War, and when they were, the hardnesse of their Diet, the strictnesse of their Conyerfation, the Toyl of their Sports and Exercises made Peace it self little lesse rigorous then War uses to be, The greatest landed man in the whole Countrey had not enough to maintain a Teme, and for personal Estate, all but Iron money being prohibited, what would
now

*Plutarch
in Licurg.*

now go into one of our little Poëkets, with them would have loaded a Waggon; Riches, Luxury and Excesse, being thus banished, it is no wonder they continued quiet, seeing there was nothing left for which they should contend; the condition of the meanest *Spartan* being in every point (bating meely the Reputation of Power) as desirable as that of their Kings. And yet even thus they did not scape.

For first, They were infested with frequent and dangerous sollevations of their Helots or slaves; These Mr. *Harrington* hath no reason to call external Commotions, (*Page 167.*) being the Helots were not strangers but inhabitants and spread over the Face of the whole Countrey; Nay more, They were Fundamental and Essential to the Commonwealth; For the *Spartans* were by their
Laws

Laws and Institution to neglect all Occupations, even Agriculture it self, and attend solely to the service of the Publique, which could not possibly have been done unless they had had the Helots to perform those Offices.

And then have they often been in distractions about the succession to the Crown, some of which it will be proper to relate. A quarrel breaking out between the two Kings *Cleomenes* and *Demaratius*, the latter was accused of Bastardy, and as it was then the custome of Greece in difficult cases, a reference is made to the Oracle at *Delphos*, which having been bribed by *Cleomenes*, pronounces against *Demaratius*, who thereupon is deposed and seeks Protection from the King of *Persia*, to the prejudice not only of the *Laconians*, but of the whole *Grecian* Interest. Of the same nature was the contention

*Pausan.
Lac.*

tention about the succession, when by the power of *Lyfander* and his faction *Agislaus* was promoted to the Crown, with the Exclusion of *Leotychides* the true heir. But much more Fatall was the contest between *Cleonymus* and his Nephew *Areus* the son of *Acrotatus*, who being *Jure Representantionis* (as the Modern Lawyers speak) preferred before him, *Cleonymus* made shift to get some forces together with which he gave beginning to a civil War in which the City *Zirax* was destroyed, and which was still worse he drew King *Pyrrhus* into the Countrey, who made himselfe Master of the *Campagna*, besieged the capital City, and reduced the Commonwealth to the last Gaspe. The Reign of *Agis* and *Cleomenes* were so full of Turbulency and Sedition, that it is sufficient to name them.

*Plutar.
Agisil.*

*Pausan.
Lac.
Plutarch.
Pyrr.*

Nor

Nor have they been priviledged from another sort of Attempts, which being secretly managed by some few Conspirators discover not themselves till the danger be almost inevitable; This will appear by the Treason contrived in the beginning of *Agesslaus* reign, at which time the Republique was in its greatest health and vigour at home and highest Reputation abroad; The Author of this conspiracy was one *Cinadon* a bold gallant young fellow who excited by ambition was resolved to make himself Master of the State, and had engaged in the Design divers Persons of courage and execution, provided them with Arms, and had prepared all things ready to fall upon the King, the *Ephori* and the Senate in the Market-place, which being done He made no doubt by a plausible Declaration to draw over to his Party the
 slaves,

*Xenoph.
Gr. Hist.
lib. 3.*

slaves, the mean People and the Borderers. Things were at this Passé when one of the conspirators revealed all to the *Ephori*, by whose extraordinary Wisedome and conduct the Heads of the Party were surpris'd, and the Design broke in pieces. The practise of *Lyfander* for altering the Government shall not be insisted on; for though the Contrivance was admirable, yet the Discovery having been prevented by his Death, it will not be amiss to let it sleep with him.

The City of *Venice* is possess'd, by Mr. *Harrington's* own confession, of several Advantages by the benefit of her situation, which she were not to expect from the manner of her Government; Among these there is just cause to reckon her Immunity from Seditions, which notwithstanding hath not been so intire that we need be put
 upon

upon any difficulty in the retrieving of Instances to prove she hath been subject to Tumults and Faction.

Not to insist upon the continual Disorders to which she was exposed before the settlement of the Commonwealth upon the Election of her Dukes, Let *Giannotti* be the computer and from the first to *Sebastian Ciani* the 35th Duke, We shall have an account of three Dukes meeting with violent Deaths by intestine broiles, and of Nine who after having suffered Execution died in Exile. In the time of Duke *Piero Gradenigo* (under whom the Commonwealth received it's last Reiglement about 360 years ago) We meet first with *Marrino Boccon* who not finding the new constitutions to his Gust endeavoured to oppse them by open Force: But the memory of this Attempt is lost in that

Donato
Giannotti.

that more great and dangerous One (which happened also in the Reign of the same Duke though not till the year 1311) of *Bajamonte Tiepoli*, by which the Commonwealth was reduced to that Exigence, that the onely hope of her preservation consisted in the well defending the stairs of the Palace of St. Mark. After that in the year 1355. the Health of the Commonwealth became her Disease, I mean the power of the Dukes by which she had gained so much Order, Grace, and Firmness, was made an Instrument to the mabition of Duke *Marin Falier* for dissolving the Frame of the Government; But at this Time the Power of the *Dicci* was salutary to the Republique in the Deposition and Execution of *Falier*.

Gasp.
Contarini.

Of late days indeed the Commonwealth of *Venice* hath enjoyed tranquillity enough at home, (for though

though parties and factions be kept up between the Old and New families of Noblemen, yet having never made any scandalous Eruptions, they do but little harm) for which She is a Debt to the nice and dangerous Estate of her Affairs abroad. On the one side She is next Neighbour to the Devouring Ottoman Empire, and on the other her Frontire reaches to the Territories of the King of Spain, a Prince of as good Appetite though of a slower digestion; Nay the *Rape* himselfe for all his Age and Holiness hath often endeavoured to commit a Rape upon her: In this condition it is no more wonder that the Apprehension of a Publique Enemy begets Union and Concord within her self, then it is to find Agreement among the Mariners of that Ship which is ready to be boarded by Pirates.

Fig. 22. 3. That it is the Government, which attaining unto perfect equality, hath such a libration in the frame of it, that no man living can shew which way any man or men in or under it, can contract such Interest or Power as should be able to disturb the Commonwealth with Sedition; Wherefore an equall Commonwealth is that only which is without flaw, and containeth in it the full Perfection of Government.

5. After all this in answer to the fifth Branch, I will only tell Mr. Harrington that the Libration He speaks of in Government, is of the same Nature with a perpetual Motion in Mechanicks; for as the one is not attainable as long as there is in Matter a resistance to Motion, or a Propensity in it by which it is determined to some other Motion; So will the other be impossible as long as Men have private Interests and Passions by which

which they are biased from the
 publique Ends of Government: &
 And as all Motion will grow faint
 and expire unless renewed by the
 hand of a continuall Mover; so
 there is no Frame of Laws or Con-
 stitution of Government, which
 will not decay and come to Ruine
 unless repaired by the Prudence
 and Dexterity of those who Go-
 vern. Now that this may not be
 expected from a Monarch as well
 as from a Senate or any Assembly
 of Men, I have not yet met with
 any conviction; but rather find it
 reasonable to think that where
 Debates are clearest, the Results
 of them most secret, and the Exe-
 cution sudden; (which are the
 Advantages of a Monarchy) there
 the Disorders of a State will
 soonest be discovered, and the ne-
 cessary Remedies best applied.
ibid. In an equal Commonwealth
 there can be no more strife, showing
 neither

ambition or violence in equal weight;
 Therefore the Commonwealth of Ve-
 nice being that which of all others is
 the most equal in the Constitution; is
 that wherein there never happened
 strife between the Senate and the
 People.

Wherefore it is not this preten-
 ded equality of a Commonwealth
 that causes her stability and secu-
 rity; but rather the contrary. For,
 as Mr. Harrington hath well ob-
 served; (Page 5.) where there are
 two Parties in a Republique with
 equally power, (as in that of Rome
 the Nobility had one half, and the
 People the other half) Confusion
 and Misery are there enailed:
 And to avoid this there can be no
 way but to make the Common-
 wealth very unequal; that is to
 make the scale of Power gravitate
 on the part of those persons who
 are possessed of the Government.
 This will be found to be the
 practise

praise of *Venice*, which though
 alledged as the example of a most
 equal One, is as much as any in
 the World, an unequal Common-
 wealth; The power there is
 wholly in the hands of the Noble
 Families, who make up the num-
 ber of about 3000 heads, though
 formerly they have amounted to
 4500, and the people are not con-
 cerned in it more then that they
 are admitted to the Offices of
 Chancellours and Secretaryship,
 which are places of no power
 though of some Trust: Nor is it
 material perhaps not true) which
 Mr. Harrington (Page 9.) hath de-
 livered, that the Senate of *Venice*
 at the first Institution took in the
 whole people; for the Question
 belongs not to the first Original
 Institution which was rude and
 not well digested, but to the pre-
 sent Frame of that Republicke as
 it was perfected under the Go-
 vernment

vernment of *Piera Gradenico*. To
 conclude this point, *Contrasting*
 himself a Noble *Kenetican* and very
 likely to discern the true temper
 of their Government, when he
 enquires into the reasons of the
 fidelity of the *Venetian* people to
 the Senate, never thinks upon this
 equality in the constitution of the
 Commonwealth, but proposes the
 plenty of Bread, the Provision
 made for the poor by so many
 Hospitals, the lucrative employ-
 ment of Artificers in the Arsenal,
 things purely Accidental and Ex-
 traneous, as the most probable
 causes which can be assigned of so
 happy an Effect.

Ibid. An equal Commonwealth is
 such an one as is equal both in her
 Ballance or foundation, and in the
 superstructures, that is to say, in her
 Agrarian Law, and in her Rotation.
 An equal Agrarian is a perpetual
 Law establishing and preserving the
 F 3 ballance

ballance of Dominion, by such a Distribution, that no one man or number of men within the compasse of the Few or Aristocracy, can come to overpower the whole people by their Possession in Lands.

To him that makes propriety, and that in Lands, the Foundation of Empire, the establishing an *Agrarian* is of absolute Necessity, that by it the power may be fixt in those hands to whom it was at first committed: But if an Estate in ready money, or any other Revenue conduces as much to Empire as the Possession of Lands, (which was shown in its Place) the true importance of an *Agrarian* will come to no more but this, that the government be provided of a Revenue sufficient to make good that advantage of Power which it enjoys over all persons and parties living under that Government. The examples of an

Agrarian

Agrarian are so infrequent that Mr. Harrington is constrained to wave all but two Commonwealths, and can find in the whole extent of History only *Israel* and *Lacedamon* to fasten upon. What the Nature of these *Agrarians* was, and how they differ from that which Mr. Harrington goes about to establish, will be the business of my present Disquisition.

When in obedience to God's command *Abraham* had abandoned his native soil, and the inheritance of his Fathers, and like an Adventurer in prosecution of his Fortune had wandered as far as the Land of *Canaan*, He received a promise of God in reward of this submission that his posterity should enjoy as a possession the Land in which he now lived as a stranger; The hopes of seeing this promise performed had always so much influence upon the

F 4 *Israelites*,

Ifossites, that when in *Regr* they fell into an Affliction of the greatest Pressure and Duration that ever Nation suffered. They not only bore up against it by their care in maintaining their National Interest, but with extraordinary Diligence attended to the preserving their Genealogies through their Tribes and Families: The time of impletion of the Promise being come, There was no Man that was able to make out his descent from *Abraham* by *Jacob*, but had an unquestionable Title to the Possession of the Land, and consequently it was necessary to divide the Land *virgim* among the people of *Israel*. Yet it will not be easy to determine whether they all inherited by equal Portions, or whether in the Division respect was had to the Princes of Tribes and Heads of Families. The Republic

gn. br. 20. 6.

Division

Division upon the return of the Survey (*Jos. cap. 18.*) it is evident went no further then to assign by lot the Share of every Tribe, or at most of the Families in that Tribe. For the shares of particular Men appears not how they were laid out (subtle in the cases of *Josue* and *Caleb* which were pecuniary) except the place in *Numbers. cap. 36. 34.* belongs to them, *To many thou shalt give the more inheritance and to few thou shalt give the less inheritance: to every one shall his inheritance be given according to those that were numbered of him.* But it is more probable that this is meant of families then of persons, if we consider that the Dignity of the Princes and Heads of Families could not have been preserved without some Advantage in Estate. And besides if none could have been Rich, none could have been Poor, and yet we find Poor abounding

abounding in the Commonwealth of Israel even to that extremity as to addict themselves into servitude. Let the Nature of this Division of Lands be what it will, care was taken for the preservation of the people in and upon it; and therefore there could be no alienation of Land but with a De-feasance or power of redemption, and once within 50 years, in the Jubile, all Sales were rescinded and lands reverted to the possession of the former owners. The most considerable though withall most obvious observation concerning the Jewish *Agrarian* remains, which is that having extirpated the inhabitants of the Land, they might *Tailler en plein drap*, and so avoid the almost insuperable Difficulties which will cleave to a project that must be introduced by alteration of possession.

This was the condition of the Jewish

Jewish *Agrarian*, which will, if I mistake not, prove very little conformable to the Notion Mr. Harrington hath of it; He thinks not upon the promise of God to *Abraham*, but considers the Division of the Lands as a politick constitution upon which the Government was founded, though in the whole History of the Bible there be not the least Footstep of such a Design: But in the name of Wonder how can this *Agrarian* be the foundation of that Government which had subsisted more then 45 year without it? The Constitution of the Jewish Government by Mr. Harringtons compute (Pa. 16) bears date before the sending the dozen spies to discover the Land, but from that Action to the Division of the Land was 45 years, *Jos. 14. 6*. Again, If this *Agrarian* was meant as Fundamental to the Government, the provision was weak

weak and not proper for the attaining the End proposed, there being nothing in the nature of the *Agrarian* to hinder but that the whole Country might for the space of near 50 years, that is the time between two Jubiles, have come into the hands of one Man, which had been enough to destroy the Ballance and turn the *Agrarian* itself, as well as all other points of the Government, out of Doors.

As to the *Agrarian* of *Lacedaemon*, it may be comprehended by what hath been already said of that Commonwealth, that the Design of *Lysander* in it was not so much to attain an equality in the Frame of the Government, as to drive into Exile Riches, and the Effects of them Luxury and Debauchery: This will further appear by his endeavour to introduce this Law not only into *Keall* but

but Personal Estate, though afterward he laid it down upon experience that it proved too hard Digestion, and instead of it substituted the Law forbidding all but Iron-money by which in a way more secret and artificial he obtained the same End: The same is manifest also by the Proportion of Lands which he assigned to every particular Man, which might have been far greater without endangering the Equality of the Commonwealth. The success also is clearly of the same side; for no sooner had *Lysander* by filling the City with Gold and Silver broke the Vow, as I may call it, of Voluntary poverty, but the Commonwealth fell in Virtue and Reputation though she continued a long time after firm in her *Agrarian*. It is to me as strange as any thing in History that *Lysander* should find credit enough to settle a Govern-

a Government which carried along with it so much waste and hardship for particular Men; that the total Absence of Government could scarce have put them into a worse Condition; The Laws that he made prohibiting the use of those things, that by which with security, it that easily which to other Men makes the yoke of Laws, supportable. But it may well be thought, this would have been impossible to *Lycurgus*, had he not wisely obtained Respect from *Darius*, resigning his possession and the Government he went about to introduce; in which all Resistance would have been downright Treason and Disobedience to the Gods. And who should shall be thought fortunate, if he be the Founder of such a Government, must not receive many sacrifices; properly adapted to his wrought upon the minds of their

their Legislator holds a more than ordinary Correspondence with Heaven.

But all this will seem to concern Mr. Harrington very little, who (though to bring his *Agrarian* into Credit he had before made a great flourish with that of *Lacedaemon*) does let us know (Page 106.) that there is much Dissimilitude between the *Agrarians* of *Lacedaemon* and *Oceana*; Indeed he is thus far in the right, that the Voice of the first was, Every man shall be thus Poor; but that of the latter is, No man shall be more than thus Rich. I will then leave the *Athes* of *Lycurgus* at peace, and examine a little the Model of the *Agrarian* which Mr. Harrington hath propounded to the World.

1. The first Discovery I make of it, is that it is Unjust. If it be truly asserted that Government is founded on Propriety (Page 4.) then

then Propriety subsists in Nature before Government, and Government is to be fitted to Propriety, not Propriety to Government. How great a Sin then would it be against the first and purest Notions of justice to bring in a Government not only differing from but directly destructive of the settled propriety of *Oceana*, in which there are consist (Page 101.) to be 300 persons whose Estates exceed the Standard of 2000 *l. per annum*. Let me not be choakt with the Example of *Lacedaemon* till Mr. Harrington hath shown Us the power of his perswasion with the Nobility of *Oceana*, as *Lycurgus* with them of *Lacedaemon*, to throw up their Lands to be parcelled by his *Agrarian*, (Pag. 113.) And when that is done, I shall cease to complain of the injustice of it. Not need any one of these 300 be put to own a shame for preferring his own

own Interest before that of a whole Nation; for though when Government is once fixt, it may be fit to submit Private to Publique utility, when the Question is, of choosing a Government, every particular Man is left to his own Native Right, which cannot be prescribed against by the Interest of all the rest of Mankind. But in this Case the Interest of three hundred is not ballanced with that of a whole Nation, but that of some few extravagant spirits, who by making Dams in the Current of other mens Estates, hope to derive some Water to their own private Fortunes.

In the second Place the Nature of this *Agrarian* is such that it can never be fixt, but as 2000 *l.* is held now to be a due Standard of Estates, so here-

hereafter they may be brought down to 1000*l.* or a far less Sum; For the whole Body of the People being intrusted with giving a Vote and keeping a Sword, may easily either by the way of Counsel or Arms agree to make this Change, in which they need not value the Opposition of such as enjoy 2000*l.* whose greatest number can never exceed Five thousand persons, (Page 100.) a Company too inconsiderable to withstand Two hundred thousand Men. (Page 200.) It will not be enough to reply that the Law by which the *Agrarian* shall be settled will hinder this, For it is not to be imagined that those Five thousand can have a more Legal Title to their 2000*l.* than the Three hundred now have to the Surplus

plus above 2000*l.* Wherefore this *Agrarian* must needs be unfixed and flitting, and cannot terminate in any thing but Levelling, or at least Reducing the Rate of Estates to that passé, that the keeping it from going any lower shall be the Concern of a greater Number of Men than they make up who have an Interest in the further debasing of it.

3. But thirdly. As the Jews who have no Land are everywhere great Traders; so the possession of Lands being limited by this *Agrarian*, Men who are either Covetous or Ambitious, will imploy themselves and Estates in Forraign Traffique; which being in a manner wholly ingrossed by the Capital City of *Oceana*; that City already too great will

G 2 imme-

immediately grow into an Ex-
 celsse of Power and Riches ve-
 ry dangerous to the Common-
 wealth. The Republique of
Venice would long since have
 been sensible of this inconve-
 nience, but that her Extent
 being no greater then the Isles
 on which the City stands;
 (for Mr. *Harrington* hath truly
 observed that to all her other
 Dominions her Government
 is provincial) the encrease of
 that one place is the equall
 Augmentation of the whole
 Commonwealth. But the case
 stands not so with our Neigh-
 bours of *Holland*, where every
 Province consistng of the Uni-
 on of severall Townes, and
 the Republique of the Union
 of those Provinces, the Town
 of *Amsterdam* hath within a
 few years been so aggrandized
 by Commerce, that it is be-
 come

come of almost equall impor-
 tance with all the other
 Provinces, and hath been a-
 ble of late to exercise a Ty-
 ranny in the Disposall of some
 publique Affairs much to the
 prejudice both of the Liberty
 and Interest of the Residue of
 the Union. An equall if not
 greater incommodity to *Oceana*
 would be created by the *Agra-
 rian*, which making *Emporium*
 a City of Princes, would ren-
 der the Countrey a Common-
 wealth of Cottagers, able to
 dispute precedence with the
 Beggars Bush.

4. Another Consideration
 suggests it self from the great
 Difficulty in making this *A-
 grarian* equall and steady;
 Not only in reference to the
 various Tenures and Rents
 of Land in *Oceana*, (which
 with all other Objections pro-
 duced

duced by Mr. Harrington himself (Page 88.) I on purpose omit) but with respect to the Flux and Inconstant Value of Money by which this *Agrarian* is computed; We have the experience of all Ancient Surveys of Lands and Rates of Commodities how vastly they recede from the present Estimation of Money, which having no natural Value rises and falls by a thousand Accidents; And who knows but that 1000*l. per annum*, may Two hundred years hence differ as much in Value from this present Age, as 1000*l. per annum* does now from what it did Two hundred years ago? So the *Agrarian* which is represented as the firme immoveable Basis of the Commonwealth, must like a floating Bridge undergo all the Vicissitudes

vicissitudes which Money is subject to in its Ebbs and Flows.

But if there were as many Demonstrations to Evince an *Agrarian* as there are Arguments to impugn it, I should notwithstanding despaire of the issue, because it must make War against an Universal and Immemoriall custome; The power of Custome is without doubt more prevalent then that of Reason, and there is nothing of such Difficulty as to perswade Men, at once and crudely, that they and their Forefathers have lived in an Error.

Page 22. *As the Agrarian answereth unto the Foundation, so doth Rotation unto the superstructures.*

Equall Rotation is equall vicissitude in Government, or Succession

unto Magistracy conferred for
Convenient Terms, enjoying equal
vacations as take in the whole
body by Parts, succeeding others
through the free Election or suf-
frage of the People.

The contrary whereunto is Pro-
longation of Magistracy, which
trashing the wheel of Rotation,
destroys the life or Natural mo-
tion of a Commonwealth.

That Ancient Republicques
have through a malicious jea-
lousie made it unlawful even
for persons of the clearest Merit
to continue long in Command,
but have by a perpetual vicis-
situde substituted new Men in
the Government, is manifest
enough; but with what suc-
cesse will best appear by *Vetu-
rius, Varro, Mancinus*, and the
residue of weak and passionate
Commanders which have by
this means come to be imploy-
ed

ed by the *ROMANS*: And no
lesse by the rabble of Generals
often made use of by the *A-
thenians*, while Men of Valour
and Conduct have lain by the
Walls. It is an Argument of
much imperfection in a Go-
vernment not to dare to im-
ploy the whole Virtue of her
Citizens. And those Orders
must needs be against Nature
which excluding persons of the
best Qualifications, give Ad-
mission to others who have
nothing to commend them
but their Art in Canvassing
for the suffrages of the people.
Yet this Law hath been as
often broke as a Common-
wealth hath been brought
into any Exigency; for the
hazard of trusting Affairs in
weak hands then appearing,
no scruple hath been made to
trample upon this Order for
giving

giving the power to some able Man at that time render'd uncapable by the Vacation this Law requires. The continuation of the Consulship to *Marins* is sufficient to be alledged for prooffe of this, though if occasion were it might be backed by plenty of Examples. The *Dilemma* into which a Commonwealth is in this case brought is very dangerous; For either she must receive a Mortal wound from without, or she must give her selfe one by gaining the Habit of infringing such Orders as are necessary for her Preservation. I know not what Advantage Mr. *Harrington* may foresee from the Orders of this Rotation, (Page 213.) for my part I can discover no other Effect of it but this, That in a Commonwealth

wealth like that of *Oceania* taking in the many (For in *Venice* Mr. *Harrington* Page 24. confesses it to be otherwise) where every Man will presse forward toward Magistracy, This Law by taking off at the end of one year some Officers, and All at the end of three, will keep the Republique in a perpetual Minority, no Man having time allowed him to gain that experience which may serve to lead the Commonwealth to the understanding her True Interest either at home or abroad.

Were the *Agrarian* he aims at once establisht, the Nobility would be so thoroughly plumed, that they would be just as strong of wing as Wild-foule are in moulting time. And therefore where Mr. *Harrington* goes about (Page 25.)

to

to perswade the people they
need not feare the Nobility,
I am of Opinion he might
have spared his Pains as I
shall mine in any further Con-
sideration of the first part of
his Preliminaries, seeing what
remains of any Consequence
will properly belong to those
Men to whom I have recom-
mended the Disquisition of the
Jewish Commonwealth.



FINIS.

